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Attorneys for Commenting Parties Manufactured Housing

Communities of Arizona and Michael A. Parham

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:

PETITION TO AMEND THE
RULES OF PROCEDURE FOR
EVICTION ACTIONS

Supreme Court No. R-16-0040

MOTION FOR LEAVE TO FILE
ADDITIONAL COMMENTS ON
PROPOSED RULE REVISIONS

These commenting parties move the Court for leave to file additional comments on this proposed rule change. The original rule change petition requested expedited handling of the request, with a date for cut off of comments of September and a deadline for petitioner to file a "Reply" to the comments of November 4, 2016. Apparently the ACAJ decided to extend this deadline since its November 9, 2016 meeting was scheduled to consider the filing of a proposed Reply.

The proposed Reply was not included in the November 9 meeting Agenda making it impossible to begin drafting these comments until after it was publicly posted on the Court's Rules Forum. The Reply was finally filed with the Court on November 10 but did not appear on the Rules Forum until 10:06 AM, November 14.

These moving parties pointed out in their original comments that this Reply

1 was anticipated to be a substantive rewrite of the ACAJ petition. Not being allowed
2 to comment on a Reply substantively revising the original rule proposal in this
3 manner would constitute an end-run around the clear intent of Rule 28 that is stated
4 in the preamble to Rule 28 as follows:
5

6 It is the policy of the Arizona Supreme Court to establish an effective
7 process for the adoption, amendment, and repeal of rules of procedure
8 for the courts of this state which will provide for **public notice and**
9 **opportunity for comment** from the members of the legal profession
10 and the public on proposals to adopt, amend, or repeal rules, utilizing
available technology.

11 The moving parties in their original comments specifically reserved the right to
12 file additional comments in the event the Reply made substantive changes to the
13 initial proposal. The accompanying additional comments have been drafted and
14 posted as quickly as possible following posting of the ACAJ Reply.
15

16 Even a casual reading of the Reply reveals that this is in fact a new proposed
17 rule change. A copy of the moving parties' proposed comments on the reply making
18 this clear accompanies this Motion. These parties therefore request this Court accept
19 and consider the attached comments on the Reply filed by petitioner.
20

21 **DATED:** November 14, 2016

22 **Williams Zinman & Parham, P.C.**

23 /s/ *Michael A. Parham*

24 By: Michael A. Parham
25 Melissa A. Parham

26 A copy of this motion has been e-mailed
27 this 14th day of November 2016 to:

28 Hon. Lawrence Winthrop